

The reply brief filed February 2, 2007 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

It is noted that a second Appeal Brief was filed on May 5, 2007 in response to Notice of Non-Compliance dated February 15, 2007 which was not sent by the Examiner of record. The Appeal Brief of May 5, 2007 has the same content as the Appeal Brief of September 5, 2006 with the exception of the subject matter that fell under the additional heading "Grouping of the Claims" has been moved to "Grounds of Rejection to be Reviewed on Appeal" (section 6 of the Brief filed May 5, 2007), and the title "Grouping of the Claims" has been deleted from the Brief of May 5, 2007. Therefore, since the subject matter of the two Appeal Briefs are essentially identical, the Examiner's Answer of December 4, 2006 is still applicable. Therefore, the examiner is acknowledging the Reply Brief of February 2, 2007 herein, as set forth above.

In the interim while the case was awaiting proper docketing an IDS was filed following the receipt of a foreign search by Appellant. Such was filed on July 17, 2007 and is believed to be compliant, therefore, the Examiner has considered the references cited in this IDS including those that were already previously considered, and it was deemed that there is no prior art appearing in the IDS of July 17, 2007 which is applicable or better than the references already being used by the examiner to reject the claims of the instant application which are under Appeal. The Examiner has attached a copy of the PTO-1449 which has been considered in connection with the IDS

of July 17, 2007, and the Examiner will send this application to Board of Patent Appeals and Interferences for decision on the appeal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James F. Hook/
Primary Examiner, Art Unit 3754

JFH